

## ***STAFFORD COUNTY PLANNING COMMISSION***

***July 11, 2012***

The meeting of the Stafford County Planning Commission of Wednesday, July 11, 2012, was called to order at 6:31 p.m. by Vice-Chairman Scott Hirons in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Hirons, Apicella, Boswell, Hazard, Gibbons, and Schwartz

MEMBERS ABSENT: Rhodes

STAFF PRESENT: Harvey, McClendon, Blackburn, Zuraf, Ansong, and Knighting

Mrs. Hazard stated that six of the seven members were present.

### DECLARATIONS OF DISQUALIFICATION

Mr. Hirons asked if there were any declarations of disqualification. He stated he was a member of the SBL Board of Directors but did not think it would affect him making a decision concerning Chichester Park.

Mrs. Hazard made a motion to move agenda item 4 up to number 1 and renumber accordingly. Mr. Apicella seconded. The motion passed 6-0 (Mr. Rhodes was absent).

Mr. Gibbons stated there was a terrible storm here in the last week or two and personally wanted to recognize all of the utility workers that worked in the high temperatures of over 100 degrees to get electricity back to citizens. He stated he also wanted to make sure everyone knew of the passing of Ralph Williams, who was one of the greatest Sheriff's the County had.

### UNFINISHED BUSINESS

- ~~4-1.~~ RC1200121; Reclassification - James Sites Property - A proposed amendment to proffered conditions to modify the permitted industrial uses on Assessor's Parcel 35-66 consisting of 1.26 acres, zoned M-1, Light Industrial Zoning District, located on the south side of Warrenton Road, at the intersection with Hemp Road, within the Hartwood Election District. (**Time Limit: September 18, 2012) (Deferred at June 20, 2012 to July 11, 2012)**)

Mr. Harvey gave an update and stated the application was for a proffer amendment for property located on Route 17. The Commission held a public hearing and it was deferred for some clarification of the proffers. He advised the Commission that proffers were included in their package that showed changes to the proffer text. He stated the revised proffers reflected clarification to the number of vehicles that would remain onsite, which was proffer 8. He read the proffer which stated "Vehicles towed to the Property, whether operable or inoperable, shall not be permitted on the Property for more than thirty (30) days. No more than (30) towed vehicles or tow trucks (total combined) shall remain on the Property at one time." He stated there was clarification concerning the entrance and access to the site. He stated the applicant and the applicant's representative were present if the Commission had additional questions.

Mrs. Hazard stated she had a couple questions of the applicant's representative. She read the last portion of renumbered proffer 16 and stated there seemed to be a word missing. Debrarae Karnes stated she was an

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attorney with Leming and Healey representing the applicant. She stated Mrs. Hazard may be correct and read the proffer aloud. Ms. Karnes stated she did not believe it was a word missing, she stated the Board of Supervisors was in the wrong spot. She stated the proffer should have read "The Property Owner shall coordinate with VDOT within 180 days of approval by the Board of Supervisors if the proffer amendment is approved." She stated she could write the correction in and have the owner initial the change. Mrs. Hazard asked if there was a limitation for the owner concerning the cost for the potential improvements. She stated if for some reason the cost was a huge amount it was understood that these were still to be done and if the improvements by Virginia Department of Transportation were not able to be financed then the use could not happen. She just wanted clarification that the client understood. Ms. Karnes stated there was no dollar limitation in the proffer. There was a brief discussion between the Commission members and Ms. Karnes concerning the VDOT requirements. Ms. Karnes stated her client would coordinate with VDOT within 180 days of approval. VDOT would then make their recommendation as to what improvements were possible and necessary. She stated in her opinion it was a one-time recommendation. Mr. Boswell asked why it was not known what VDOT would require for this application. Mr. Harvey stated if VDOT would require anything beyond the entrance it may be a deceleration lane. He stated this was a low volume traffic generator so it was very likely it may not, but because Route 17 was a primary highway, the deceleration/acceleration lane may be required to keep traffic moving. He stated they would not look at this until they had a specific proposal with engineered plans or a scoping meeting of what the engineered plans would entail.

Mr. Apicella asked what if it was not necessary today, but would become necessary in two years. Based on the language proposed, if this was a one-time deal the applicant would be absolved of any future requirement. Ms. Karnes stated this proffer was written as all development proffers. She stated VDOT would look at the traffic counts and planned development for a 10 to 15 year period to make an informed decision, but would not say "do this improvement now and in 20 years we will have another shot at it." It would be a one-time decision. Mr. Harvey stated VDOT controlled access to State Highways and they would dictate what was required above and beyond what the County proffer may stipulate. He stated they only require improvements when there was an additional or new use on the property. He stated with this current use they would come to some agreement within the 180 day time period and stipulate what had to be done. He stated it would not be revisited again until either VDOT was rebuilding that section of road or some new use would come on the property. Mr. Apicella asked for clarification concerning how it was handled in the past. Mr. Harvey stated other situations in the past have stipulated they would construct an acceleration/deceleration lane pursuant to VDOT standards, but that was already required because VDOT was going to tell you what was required. He stated the proffer regarding the turn lanes, unless they were specifically saying they were going to do it, was going to be whatever VDOT required so it did not have a lot of effect in the proffer. Mrs. Hazard suggested the proffer should read "The Property Owner shall coordinate with VDOT within 180 days of approval by the Board of Supervisors of this proffer amendment." Ms. Karnes read the revised proffer again. Mr. Gibbons asked since the County was the applicant, could that proffer be made. Mr. Harvey stated it would be up to the Board to accept the proffer.

Mrs. Hazard made a motion to accept the change to the proffer on page 3 of 3 to read "The Property Owner shall coordinate with VDOT within 180 days of approval by the Board of Supervisors of this proffer amendment." Mr. Gibbons seconded the motion. The motion passed 6-0 (Mr. Rhodes was absent).

Mrs. Hazard made a motion to recommend approval of RC1200121; Reclassification - James Sites Property. Mr. Gibbons seconded the motion. The motion passed 6-0 (Mr. Rhodes was absent).

- +2. Architectural Design Standards - Amend the Traditional Neighborhood Development Plan, an element of the Comprehensive Plan, to incorporate Architectural Design Standards. (**Time Limit: October 5, 2012**) (**Deferred at April 18, 2012 to May 2, 2012**) (**Deferred at May 2,**

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**2012 to May 16, 2012) (Deferred at May 16, 2012 to June 6, 2012) (Deferred at June 6, 2012 to June 20, 2012) (Deferred at June 20, 2012 to July 11, 2012)**  
**(Authorize for Public Hearing by: August 15, 2012)**  
**(Potential Public Hearing Date: September 19, 2012)**

Mike Zuraf gave a brief update to the Commission. He stated the Commission had requested a 30 day extension on the deadline and that was approved by the Board of Supervisors on July 3<sup>rd</sup>. Mrs. Hazard asked if Mr. Zuraf had the dates and places the public input sessions would be held. Mr. Zuraf stated the sessions were scheduled for July 25, at England Run Library from 6:30 to 8:30 and July 31, at Porter Library from 6:30 to 8:30. He stated that was one way people could participate in the visual preference survey, if they wanted to show up in person; but there would also be an online survey that should be up and running around July 23 and would be open for two weeks. He stated people could also or they could stop in the planning office. With no further discussion Mr. Hirons moved on to Urban Development Areas.

2 3. Urban Development Areas - Discussion of Urban Development Areas to study the future applicability of Urban Development Areas in the County and identify any recommendations that should be considered for amending the Comprehensive Plan. **(Time Limit: October 4, 2012)**

Mr. Zuraf stated at the June 20<sup>th</sup> meeting the Planning Commission began discussion on the Urban Development Areas and the Comprehensive Plan and whether the Commission wished to make any suggestions to the Board concerning modifications or adjustments to the Urban Development Areas as they stand. He stated there were several issues that were raised and the responses were included in the information the Commission had received. He stated the first question was if the new state code amendments truly made the UDAs optional. And specifically, the Commission questioned if the County removed UDAs, would it jeopardize funding opportunities. He stated the County Attorney's office believed the language was less than clear and they were unable to provide a concrete answer that the County would be able to assure funding opportunities.

Mrs. Hazard stated currently there was only one county in the Commonwealth that had approved a UDA program. Mr. Zuraf stated no, that was TDR; there were many localities that had Urban Development Areas. Mrs. Hazard asked if Spotsylvania approved theirs. Mr. Zuraf stated they had something and he had provided an update to the Commission that was handed out earlier. He stated in their Comprehensive Plan they had areas that met it, but it was not called an Urban Development Area. Mr. Zuraf stated another question was what were other localities doing. He received responses for 8 localities and 7 of the 8 had UDAs in their Comprehensive Plan. He stated of those 7 localities, 3 were not making any changes at this time, 3 localities were making minor modifications by removing the language that said UDAs were mandatory. And Spotsylvania was getting into a Comprehensive Plan update and they may consider removal of the UDAs. Mr. Zuraf stated the second issue that was raised was if there was updated growth projection data that we had in our Comp Plan. He stated the Comp Plan growth projections were based on projections as one of the requirements under the old UDA language. The Virginia Employment Commission had not been updated, but the regional planning agency had developed revised population estimates and the basic comparison of the 2030 projected growth population as modified by GWRC was provided. Mr. Zuraf pointed out that the 2030 projection had a lower growth projection from 218,000 down to 212,000. He stated that was something the Commission may wish to consider adding in as a modification and that would lower the projected number of units. Mr. Gibbons asked if FAMPO had revised their numbers. Mr. Zuraf stated

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they were originally working off of the same VEC projections and they had retained a consultant to revise the population projections in the region and it would go by locality. Mr. Apicella stated that staff noted the projections were based on 2007 figures and as he recalled the economy was very different then. He stated he would presume the methodology that VEC came up with had more growth based on a continuing cycle of economic growth for years in the future. He asked how often VEC did the population projections. Mr. Zuraf stated he was not certain but he did learn that Weldon Cooper Center, who typically had not done projections, may develop another projection in the near future. Mr. Apicella stated the heart of the matter stems from an accurate population projection. If the Commission was going to drive to some kind of change it should be based on the new economic reality, which was substantially different. He stated in his opinion an accurate methodology for population was needed if the Commission was going to decide where the density was going to be. Mr. Zuraf stated to clarify the GWRC projections were just developed. Mr. Apicella stated he appreciated that but he questioned how the number was reached, throughout the entire region it only changed by 5 or 6 thousand units. Mr. Zuraf stated that was the number that was specific to Stafford. Mr. Apicella stated in his opinion the number was not quite on target. Mr. Hirons asked if there was any historical data available on projections and the actual population. He stated he remembered a story that over a 60 year period projections were fairly close when you looked at 10 year and 20 year periods. Mr. Zuraf stated earlier on in the Comp Plan process the Commission had looked at the numbers for every 10 years back to 1950. He stated basically every 20 years the population doubled. Mr. Hirons asked if it correlated with any projections. Mr. Zuraf stated no, just based on the historical population data. Mr. Apicella stated it was true the population did double every 20 years, but in his opinion that trend had changed due to the economic climate and being in competition with the other localities. Mr. Hirons asked Mr. Apicella if there was anything specific he would like to ask of staff. Mr. Apicella stated lets figure out who was going to come up with new projections that had some rational basis to it. Mr. Harvey stated staff would try to drill down with GWRC as to how their number was derived and some of the assumptions that were made in putting the projection together. Mr. Zuraf stated there was a full report received also and could be provided to the Commission. Mr. Hirons asked if they had a staff member that could come before the Commission and discuss their methodology. Mr. Zuraf stated he would check. Mr. Gibbons stated the Interstate contributed to the growth in Stafford County and 50 years ago there were not 20,000 residents in the county. He stated if the military was cutting back 20 to 30 percent at Quantico, Dahlgren and A.P. Hill, he asked how that would affect population. Mr. Gibbons stated since there were two Board members on GWRC that perhaps the Commission should go through their Board member and ask for another analysis. Mr. Hirons stated that was why he asked if a staff member from GWRC could come to allow the Commission to ask those questions directly. Mrs. Hazard stated another thing mentioned at the last meeting was in VDOT planning, what numbers they were using. She stated she did not want to lose any VDOT funding for any reason. Mr. Hirons asked Mr. Zuraf if he could take all the input and do something to help the Commission to better understand and get a better idea of what was going to happen. Mr. Zuraf stated he would reach out to GWRC and see if someone could come to a future meeting. Mr. Apicella stated in his opinion it was beyond GWRC. He stated he thought we should contact Weldon Cooper and VEC and find out what they were doing, because they were the main sources of the population stats.

Mr. Zuraf continued by saying staff also noted attachment 1 to the memo was an evaluation that was conducted during the Courthouse UDA Small Area Plan Development. He stated the consultants did an evaluation of all the UDAs and just to provide an understanding of the character of the UDAs and provided some general key points of each UDA for further analysis. He stated the Commission requested a list of already approved large subdivisions and attachment 2 included a list of larger subdivisions with the approved number of lots, the associated density, and remaining lots to be built.

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Mr. Zuraf stated most of the subdivisions have not even begun or were just beginning. And location maps with the subdivisions highlighted in blue were also provided. He stated he did want to note the Staffordshire subdivision was not on the maps but was on the list. Mrs. Hazard stated the remaining dwelling units that were approved but were still undeveloped was approximately 6,700. Mr. Zuraf agreed, but noted that was just the larger subdivisions; there were smaller ones that were not captured. Mr. Apicella asked if there was an average number on citizens in these units or did it vary based on the subdivision. Mr. Zuraf stated it would vary, because Celebrate Virginia and Rivercrest would have lower numbers. Celebrate Virginia was age restricted housing and Rivercrest was multi-family and the balance should qualify as typical single-family detached which averages three people per household. He stated Celebrate Virginia and Rivercrest would possibly be two. Mr. Harvey stated the countywide average was three persons per household. Dr. Schwartz stated these were approved undeveloped subdivisions and asked how long they had been on the books. Mr. Zuraf stated some of the projects had been on the books since 1989. Dr. Schwartz stated you couldn't go back and analyze this and say 6,700 homes times 3 that was our population growth because these may be empty for another 20 years. Mr. Zuraf agreed, but some were under construction. Mr. Gibbons asked what the number of projected dwelling units was in the Comp Plan that was just approved. Mr. Zuraf stated the projected dwelling units were approximately 28,000. Mr. Hiron verified that included all the by-right and UDA projections. Mr. Zuraf stated it applied across the board regardless of where it happened. He stated it was tied to population projections and not what had been approved. Mr. Gibbons asked the current population. Mr. Zuraf responded 130,000. Mr. Gibbons asked what the Comp Plan suggested. Mr. Harvey stated around 200,000. Mr. Gibbons asked the number of dwellings in the County. Mr. Harvey stated approximately 45,000. Mr. Gibbons stated the Comp Plan projected an additional 28,000.

Mr. Zuraf continued with item 5 from the memo stating there was a request for the projected residential and commercial growth in the Redevelopment Area Plans. He stated he itemized the summary projection to commercial square footage and residential units in each of the four redevelopment areas. He stated item 6 was a question about how other jurisdictions were handling the change to the State Code. He stated that was summarized and handed out tonight. Mr. Zuraf stated item 7 was a request for a list of positive and negative aspects of keeping what we have in the Comp Plan on UDAs now versus making changes. He stated one of the pros listed was the current UDAs were developed following extensive efforts, community input, and evaluation by prior Boards and Commissions. He stated the cons listed included the frequent amendments to the Comp Plan could create confusion to residents, landowners, and potential investors. He stated the next two negatives could be taken as positives if the reverse was done. He stated the first would be the County would lose out on the opportunity to craft UDAs in a manner that may be more suitable to Stafford and also miss an opportunity to link Redevelopment and the Urban Development Area boundaries to avoid confusion.

Mr. Zuraf stated item 8 requested suggestions for methods of seeking future citizen input. He stated options that staff listed were the Commission could craft modifications and hold open house for citizens to view and respond to the changes. This might be a suitable option if only minor adjustments were needed. The next option could be maybe considering a mapping workshop to allow citizens to respond to what was being proposed. This could be done through a dot mapping exercise. He stated this was done in 2010 and 2011 for the UDA efforts where participants worked in groups and came up with alternative suggestions that were taken into consideration. He stated both options could be supplemented by online surveys. He stated he would turn it back to the Commission for further direction.

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Mr. Hirons asked Mr. Harvey if the action required from the Commission was to present ideas and recommendations and verified the time limit of October 4<sup>th</sup> truly was just the time limit, there would be no action required to authorize a public hearing. Mr. Harvey stated that was correct. He stated the Commission would need to have their thoughts together and make a report to the Board by that date. Mr. Gibbons asked if when the seven UDA areas were established, there was a goal from the State to have X amount of growth. Mr. Zuraf confirmed. Mr. Gibbons stated he was not on the Commission when that evolved and thought it would be interesting to see how many UDAs had to be created to handle the mandated growth. Mr. Zuraf stated in total it came out to approximately 14,000 dwelling units needed to be located in the Urban Development Areas and that was the basis. He stated there was not a mandate on the number of Urban Development Areas, there just had to be at least one. He stated it could have been one large UDA but the County decided to break it up into seven. Mr. Harvey stated the State Code said you have to plan the UDAs for either 10 or 20 years' worth of growth and the County took the approach of having the UDAs accommodate 10 years' worth of growth. He stated the problem in Stafford was there were a lot of by-right developments already approved. So a hybrid approach was taken by putting 10 years' worth of growth in the UDAs and the remaining 10 years' worth of growth would occur outside of the UDAs. Mr. Harvey stated one recommendation staff would like the Commission to consider if you want to keep the UDAs that you make them a 20 year build-out rather than a 10 year build-out, because we were already 2 years into the 10 years and have not had a lot of construction towards that. Mr. Gibbons stated he needed to know how much of the by-right was outside the UDA. Mr. Harvey stated staff would look into that. Mrs. Hazard asked what the 20 year growth number would be. Mr. Harvey stated it would depend on how the Commission would want staff to proceed. The easy answer would be to take the 10 year number and say it was a 20 year number. Mrs. Hazard stated that may be something she would not mind considering, making the 14,000 closer to a 20 year, which may help somewhat with some of Mr. Apicella's concerns. Dr. Schwartz stated we don't have to keep all seven UDAs. Mr. Harvey stated that was correct, that was a lot of debate when they were being developed. Mr. Harvey stated part of the rationale was to have more UDAs and keep them more as towns or villages rather than cities. He stated in looking at the potential growth there were concerns that based on the 20 years' worth of growth, if we had two UDAs they could both be the size of the City of Fredericksburg. The Board and the Planning Commission Committee, at that time working on it thought that scale of development was too vast for what the vision was for the County. So the approach was taken with more UDAs with smaller populations to form small town centers throughout the county.

Mrs. Hazard stated she wanted to make sure as the Commission would go forward with their recommendations to the Board that the County Attorney made sure there were no legal constraints if for example, one UDA was pulled. She asked if any rights were created through the Comprehensive Plan. She stated she just wanted to make sure there were no legal concerns if the Commission started picking and choosing. Mr. Hirons stated he would like to see Spotsylvania's Target Mixed Use Area Plans. He stated in his opinion they would be useful.

3 4. By-laws Update - Proposed changes to order of business, meeting dates and times. **(Deferred at June 20, 2012 to August 15, 2012)**

Mr. Harvey stated the by-laws update was deferred until August 15<sup>th</sup>.

NEW BUSINESS

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5. Amendment to Zoning and Subdivision Ordinance - A proposed Ordinance O012-16 to amend and reordain Stafford County Code, Section, 28-25. "Definitions of specific terms;" Section 28-35, Table 3.1 "Table of Uses and Standards;" and Table 7.1, "Required Parking Spaces" to define data centers, list them as a principal permitted use in the zoning ordinance and provide a parking standard for such use as an economic development strategy in order to attract data center to the County. **(Time Limit: September 18, 2012)**

Mr. Harvey stated the Board had referred this amendment to the Commission to create a definition of Data Centers and establish parking requirements. He stated this was an issue that the Commission would need to take to public hearing and make a recommendation to the Board. He stated the question would be how much discussion you would want to have with staff and/or what date would you like to schedule this for public hearing. Mr. Hirons stated the time limit was September 18, and asked the minimum to authorize a public hearing. Mr. Harvey stated the public hearing would have to be authorized at the August 15<sup>th</sup> meeting to meet the deadline. Mr. Hirons stated if the Commission wanted time to defer the public hearing it would have to be authorized tonight.

Mrs. Blackburn stated this item was to request a public hearing for the amendment to the Zoning Ordinance for data and computer service centers. She stated this was a direction from the Board to the Department of Economic Development, and they had asked staff to research, make a definition and craft an Ordinance because they felt it was a strategy for economic development in the county. She stated staff had researched and surveyed the surrounding jurisdictions. She stated there were mixed results, it was either included in the office zoning or defined it as a data or computer service center and included it as a listed use in various districts. Mrs. Blackburn stated the Board adopted Resolution R12-108 and had referred proposed Ordinance O12-16 to the Planning Commission for consideration and hoped to schedule a public hearing.

Mr. Apicella stated to summarize what he saw in the details we were just defining what a data center was and making it an authorized use in certain business and industrial zoning classifications. Mrs. Blackburn confirmed. She stated parking numbers for this type of use are also listed, because they are generally large buildings with very few people servicing them. Mr. Apicella asked if input from the IT community was received. Mrs. Blackburn stated it was her understanding the Department of Economic Development has done that and they were satisfied with the proposed Ordinance. Mrs. Hazard stated the thought of tying the parking to the number of employees versus the size was concerning to her. Mrs. Blackburn stated it was her understanding that this type of use did not have public coming to it, so it did not have to be accommodated for. It was based on the employees on each shift, because they were run 24 hours a day.

Mr. Gibbons made a motion to authorize Ordinance O12-16 to be advertised for public hearing. Mr. Apicella seconded. Mr. Hirons asked if a specific date was needed. Mr. Harvey stated it could be either the August meeting or the first meeting in September if the Commission had a preference. Mr. Hirons asked if the August agenda was full. Mr. Harvey stated no. The motion passed 6-0 (Mr. Rhodes was absent).

Mr. Hirons stated it was now 7:30 and the Commission would move to the public comment portion of the meeting.

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6. Amendment to Zoning and Subdivision Ordinance - a proposed Ordinance to amend and reordain Stafford County Code regarding sign regulations for uses such as places of worship, community centers, marinas, golf courses, nursing homes, schools, and other similar uses permitted by conditional use permit in various zoning districts but do not permit signs in that district for that use. The regulations are to allow for signage that is compatible with the other uses with in the zoning district and community and shall include on-premise and off-premise signs. **(Time Limit: November 7, 2012)**

*Discussed after public hearings.*

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**7:30 P.M.**

**PUBLIC PRESENTATIONS**

Paul Waldowski stated he owned property in the Griffis-Widewater District passed with Resolution 82-341, where his water and sewer infrastructure was below code. He stated the main reason he came today was because the Commission was not doing very well by speaking into the microphone for TV purposes. He stated he did not attend a couple weeks ago, but felt he should come because he could not hear what was going on because sometimes there were side talks or looking at each other. He stated he understood the Commission liked to talk to one another and complement each other, but please remember the audience was right in front of you in the chamber. He stated he was sure the Board of Supervisors had let you know that they were working on some other solution in regard to TDR and he was very happy about that. He also noticed it was not in the mid-year status report which, in his opinion, was a great deal of taxpayer expense with county staff time plus public hearing expenses. Mr. Waldowski stated from what he could hear on TV at max volume was the Commission was changing the meeting times, especially for public comments. He stated he knew it was deferred until August 15th. He stated he did hear how some Commissioners ride VRE and a comment also addressed was dealing with some of the characters may be affected by this change. He stated as you could see he had a character on his shirt for this three minutes and change was what was in his right pocket. He stated he hoped the remark about characters was not about the guy in his shirt but about the character on his shirt. Mr. Waldowski stated in the interest of time he would close with a description about seven fictional characters, commonly known as Snow White's seven dwarfs. He stated one was named Doc and just like the Commission there were seven of you. He stated the others were all named Happy, just like when he would come here the Commission made him very happy... especially about the TDR program.

With no one else coming forward to speak, Mr. Hirons closed the public presentation portion of the meeting and moved on to public hearings.

Mr. Gibbons stated he would like to move items 8 and 9 up because item 7 would take some time. Mr. Hirons confirmed Mr. Gibbons was talking about the Stafford High School Rebuild and Chichester Park. Mr. Gibbons stated yes. Mr. Hirons asked Ms. McClendon if that would be allowed. Ms. McClendon stated it needed to be in the form of a motion and voted on by the Commission. Mr. Hirons asked Mr. Gibbons if that was a motion. Mr. Gibbons stated yes sir. Mr. Apicella seconded the motion. The motion passed 6-0 (Mr. Rhodes was absent).

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Mr. Hirons stated the Commission would now move on to Stafford High School Rebuild.

PUBLIC HEARINGS

- 8 7. CUP1200032; Conditional Use Permit - Stafford County Schools - Stafford High School Rebuild  
- A request for a Conditional Use Permit to allow an exception to the height requirements for a high school in a A-1, Agricultural Zoning District on a portion of Assessor's Parcel 45-227C consisting of approximately 4.2 acres, located on the east side of Stafford Indians Lane approximately 360 feet south of Enon Road within the Falmouth Election District. **(Time Limit: October 9, 2012)**

Ms. Ansong gave the presentation and stated this item was a CUP for Stafford High School Rebuild, CUP1200032. The applicant was the Stafford County School Board and a portion of tax parcel 45-227C was being discussed. She stated it was located on the east side of Stafford Indians Lane approximately 360 feet south of Enon Road and the subject area was 4.2 acres. Ms. Ansong stated this request was for a Conditional Use Permit to exceed the maximum height requirement up to 65 feet for a high school in an A-1, Agricultural zoning district. She stated currently Stafford High School was on the site and the CUP was for an exception to the height for the new high school to be built to the south of the current high school. She stated the topography ranged from 180 to 240 feet above sea level and the site access was on Stafford Indians Lane. She showed the GDP and stated the parking would be placed where the current high school was located and the new school would be built to the south. She stated the School Board was proposing 729 parking spaces, new tennis courts and the square footage of the new high school would be 274,561 square feet consisting of 3 stories and no more than 65 feet in height. Mr. Gibbons asked the height of the current school. Ms. Ansong asked Mr. Horan and he replied 38 feet. Ms. Ansong reviewed the proposed conditions for the Stafford High School rebuild, stating the maximum height would be 65 feet. The building shall be constructed in the location proposed on the GDP, the applicant shall provide and maintain an approved AED (automated external defibrillator) on each floor and in the vicinity of any large assembly areas such as gyms and auditoriums. She stated the applicant shall provide and maintain a second means of emergency ingress/egress to Route 1. Ms. Ansong stated the Land Use Plan designation for the site was Business and Industry, and Suburban. Stafford High School was primarily under the Suburban Land Use Designation. Schools were typical public facilities within the Suburban areas of the County. She stated staff recommended approval of the conditions proposed in Resolution R12-219 and she would be happy to answer any questions. Mr. Gibbons stated he was confused because the request was for height and asked why the other conditions were included. Ms. Ansong stated that was just protocol for a CUP. Mrs. Hazard asked if they were required by Fire and Rescue, especially the second ingress/egress to Route 1. Ms. Ansong stated yes it was a request by Fire, but she would let Mr. Horan address it further. Mr. Apicella asked if the reason why the building was going up because it would be on a smaller footprint than the current building. Mr. Hirons suggested Mr. Horan come forward.

Scott Horan, Stafford County Public Schools, stated it was a combination of two things. He stated he was trying to build the new school on the existing campus within the RPA boundaries. He asked if the Commission was familiar with Mountain View High School, where the academic wing was two stories. He stated the architects advised against adding additional class rooms by making the wing longer because it was further students had to travel. So that combined with the site issues caused the need for three stories on the academic wing only. He stated the remainder of the school was very similar to Colonial Forge and Mountain View in look and height, except the academic wing. Mr. Apicella asked Ms. Ansong about the current use of the surrounding A-1 parcels, where the structure

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was sited. Ms. Ansong stated there was a farm and residential uses all around. Mr. Apicella asked how the abutting properties' view shed would be impacted, would they be able to see the roof of the building. Ms. Ansong stated it was heavily forested to the south, based on the GDP. Mr. Apicella asked Ms. Ansong if she had received any negative comments about where the building was being sited. Ms. Ansong stated she had not received any comments. Mrs. Hazard asked for clarification of any Fire and Rescue requests. Mr. Horan stated Fire and Rescue wanted alternate fire access in the TRC comments, so it was addressed during the CUP which allowed the items to be addressed much earlier in the process than today, when the TRC was held. He stated they would comply and it made sense, but was a little challenging.

Mr. Hirons opened the public hearing.

Paul Waldowski stated this was not a simple thing; there were 34 pages on this and it said there were no apparent negative impacts. He stated if you read through the information the only place that was primarily suburban was east only; business and industry plus suburban goes north, west and south. He stated he was not a proponent of the 66 million dollars for a brand new school that we could probably do for less than 40 million, especially since this was built in 1975. He stated the population in 1980 was 40,000 and it looked like there was a slight increase. He also stated we also knew that there were definite improvements that this school needed. It did have the best basketball court in the county, far better than Mountain View and Colonial Forge and that was the best way to spend \$6 on Friday night. He stated one of the other things he saw was when this was presented to the Board of Supervisors, the 66.1 million dollars, he believed there was a comment that said that this building was only going to last 20 to 30 years. He stated if we were not building schools to last 75 years to 100 years, then we were not doing the right justice. He stated he did not understand where the money to fund the entity would come from and as you could see this was just one additional expense that came out. If you looked at the price of the CUP, it was 10K then you had to put in the fire and there was an amendment which was another 6K. Well this money was not coming out of some developer's pocket, it was really our tax dollars that was being hit. Mr. Waldowski stated there was an Ordinance for 35 feet for a reason and if they thought they were facing a problem now, he really wanted to see what was going to happen with the compression testing of 68 feet for that one wing, especially if that ground had been used in some other entity. He stated he was sure that if you put an addition to the existing school it would be a much better and more fruitful solution. But as we all knew the Falmouth District has got to have what the Jones have in the Rock Hill District and the Colonial Forge District.

With no one else coming forward to speak, Mr. Hirons closed the public hearing.

Mr. Gibbons asked Mr. Hirons if this was in his district. Mr. Hirons stated it was and if no one else had any comments or questions of staff he was going to pass the gavel over to Mrs. Hazard.

Mr. Hirons made a motion to recommend approval of CUP1200032. Mr. Gibbons seconded the motion.

Mrs. Hazard asked if there was any discussion. Mr. Apicella stated with regard to the comments heard during the public hearing he did not think it was the Planning Commission's roll to second guess whether the school should or should not be built, or the cost of the new school. He stated the only question before the Commission was whether or not it was appropriate to consider allowing the proposed 65 foot height maximum. He stated based on what he heard, that was the only way this could be done, in a feasible way based on the layout of the land. He stated for that reason it seemed

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appropriate to authorize the requested modification to the height and that was why he would be supporting the motion. Dr. Schwartz stated the earlier discussions were about cost overruns, and if you built on a smaller footprint you were reducing your cost. Mrs. Hazard stated she would be supporting this and she did want to thank the School Board or those involved with it for including in the CUP the comments made by Fire and Rescue. She stated she knew they were not required until later, but she thought everyone wanted to make sure the students were protected and that Fire and Rescue comments were incorporated.

The motion passed 6-0 (Mr. Rhodes was absent).

9-8. CUP1200060; Conditional Use Permit - Stafford County Parks and Recreation - Chichester Park  
- A request for a Conditional Use Permit to exceed the maximum height requirement up to 80 feet for ball field lighting for Chichester Park, in a A-1, Agricultural Zoning District consisting of 7.4 acres located at the end of Stafford Indians Lane approximately 1,150 feet south of Enon Road on Assessor's Parcels 45-220K and a portion of 45-227C within the Falmouth Election District. **(Time Limit: October 9, 2012)**

Mr. Gibbons stated he wanted to make sure he understood what the request was. He stated this was another simple request, the height of the lights.

Ms. Ansong stated that was correct and gave a brief presentation to the Commission for Chichester Park CUP1200060. She stated the applicant was Stafford County Department of Parks, Recreation & Community Facilities and the agent was Mr. Jim Pickens. The parcels affected were portions of 45-227C and 45-220K and it was located on the south side of Stafford Indians Lane approximately 1,100 feet south of Enon Road. She stated the subject area was 7.8 acres. Ms. Ansong stated the request for this CUP was to allow an exception to height regulations up to 80 feet for ball field lighting in an A-1, Agricultural Zoning District. She showed the zoning map and explained there were two parcels. She showed the location of the proposed project which was the ball fields and explained why it affected portions of both parcels. She showed an aerial photograph of the parcels and stated I-95 was to the left of the project. She stated the current use was undeveloped and the topography was in a range of 200 - 250 feet and the proposed access road will be south of Stafford Indians Lane. She showed the GDP and explained there would be five ball fields. She stated the conditions for Chichester Park were that the maximum height of the light poles shall not exceed 80 feet, that the lights shall not be utilized later than 11:00 p.m. on any day. She stated upon speaking with Parks and Recreation it had been mentioned that there were several times tournaments would run late or games that were rained out and there were many different reasons why the 11 o'clock time would not work. So this was a condition they would like to address and perhaps alter. Ms. Ansong continued with the proposed conditions and said the light fixtures shall be shielded to direct light to the playing fields and away from adjacent parcels and Interstate 95. Existing trees within the interstate buffer shall be maintained to the maximum extent possible. The lights shall be installed in the general locations as depicted on the GDP. Ms. Ansong stated in terms of the Comprehensive Plan and the land use designation these parcels were designated as business and industry. She stated based on the recommendations and the GDP, staff recommended approval of the conditions proposed in Resolution R12-209, and as she stated earlier Parks would like to discuss the condition concerning the timing of the lights.

Mr. Gibbons asked who was putting the conditions on. He asked when application was made what was applied for. Ms. Ansong stated an exception for the height of the lights. Mr. Gibbons asked who put the other conditions in. Ms. Ansong stated they were conditions that were standard for CUPs

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regarding lights. Mr. Gibbons stated the Board of Supervisors had already approved the park, the Board already approved the school. Why wouldn't you let it go through the site plan review and do it then? Mr. Gibbons asked why something was being added on that was not put on in the beginning. Mr. Hirons stated these conditions were related specifically to the lights. Mr. Gibbons stated the height of the lights was one thing; putting the lights in was a different thing. He stated when the GDP was approved, the lights would have to conform to the Ordinance that was in existence. But when an applicant would come in and ask for one simple request, take a look at this application for 10 feet. The high school already had 90 feet. Mr. Apicella stated you have ball fields and children next to I-95. He asked was there something to keep the children from getting into the interstate like a fence or something. Ms. Ansong stated there was a 35 foot buffer. Mr. Harvey stated VDOT typically has a fence along the edge of the right-of-way adjacent to interstate highways to help alleviate some of those concerns for trespass and other things along the edge of the highway. Mr. Apicella asked Mr. Harvey if he was pretty sure there would be some type of fencing. Mr. Harvey stated yes, he was sure there was fencing there or there would be a buffer that would be designed to try to minimize encroachment onto the interstate. Mr. Hirons stated he would be more concerned about foul balls going out of the 90 foot field onto 95.

Chris Hoppe, Director of Parks, Recreation and Community Facilities, stated 80 feet was the targeted height of the poles. He stated the department had no problem with many of the conditions, such as the shielding which was something that would be done anyway to direct the light to the field. He stated the Ordinances do require a buffer planting to remain along I-95. He stated they were obligated to leave as much of the 60 foot dimension as possible, the trees were fairly mature in the 60 to 80 foot height currently. He stated where grading was required into the buffer, trees would be planted back and there was a fence along the interstate right-of-way. Mr. Hoppe stated what he was actually requesting to be considered was the removal of the condition of the timing of the turn-off of the lights. He stated there were times when tournaments or rain-outs had caused games to go late. He stated with the intense heat of the last few weeks, some games were moved from a planned middle of the day start time to evening and they were finishing late. Mr. Hoppe stated having the light restriction precludes any kind of opportunity in the future for special kinds of events such as a midnight madness tournament or a 24-hour tournament to raise funds and those kinds of things. He stated because the site was fairly remote from other properties it was a site where he would request consideration of removal of that condition. He stated he would be happy to answer any questions if the Commission had any.

Mr. Hirons asked Mr. Hoppe if he was looking to have that condition removed completely or suggest another time. Mr. Hoppe stated he would like to have it removed completely. Mrs. Hazard asked if the 11:00 p.m. was throughout the week or just weekends. Mr. Hoppe stated in the summer if there was a tournament starting tomorrow that could run late if the weather conditions required. So he would consider it for every day. Mr. Gibbons stated there was a lot of residential there and he had never seen the county do anything past 9:00, 10:00 or 11:00 at night except down at Smith Lake or some real remote site. He asked Mr. Hoppe if this was that remote. Mr. Hoppe stated in his opinion there was a large number and a great distance of mature trees that would be remaining between the ball fields and the adjacent homes on Stafford Indian Lane and there would be vegetation planted back where the entrance road would be. Dr. Schwartz asked if the parking lot at Stafford High School was lit at night. Mr. Hoppe stated he was not sure about the parking lot lights, but he did believe the stadium lights at the high school did not have a time restriction.

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Mr. Hirons stated Mr. Horan was still in the audience and asked if he would like to answer the question about the parking lot lights at Stafford High School, will they remain on all night. Mr. Horan stated the parking lot lights were much smaller in height and they did remain on all night. He stated as the largest adjoining neighbor to the proposed park, the school division had no issues with having no time restrictions on the lights for the ball fields. Dr. Schwartz stated the lights in the parking lot were closer to the residents on Stafford Indian Lane than the ball field lights. Mr. Horan stated that was correct, the existing ones and the proposed. Dr. Schwartz asked how many complaints were received concerning the lights in the parking lot being on all night. Mr. Horan stated he was not aware of any complaints, but to please understand they were a lot smaller in height. Dr. Schwartz stated but they were also a lot closer to those homes. Mr. Horan agreed and stated there were also lights on the entrance road. Mr. Hirons asked if there were any complaints concerning the existing football field lights. Mr. Horan stated he had not, normally those complaints would go directly to the school. He stated recently the lights at the baseball field and the football fields were replaced and there was a conditional use permit required for that. He stated he could not answer what restrictions were placed, if any. Mr. Gibbons stated the new lighting that would go in was all computerized and was fine-tuned to make sure it pointed toward the ground and not out in the residential area.

Dr. Schwartz asked if public notice was sent to the people in the surrounding area concerning the public hearing. Mr. Harvey stated the adjacent property owners received notice about the public hearing. Dr. Schwartz stated nobody was here to make a comment. Mr. Harvey stated the public hearing was not open yet.

Mr. Hirons opened the public hearing.

Heather Stefl stated she was not here to speak against Chichester Park, but wanted to let the Commission know she lived behind Garrisonville and A. G. Wright Middle School and those lights were on in the summer sometimes past 11 o'clock. She stated she could not enjoy her backyard because she was hearing the commotion of soccer and baseball and activities that would go on. She stated it did light up parts of the back of her house, even though the trees were in full bloom. Mrs. Stefl stated as someone who does live by a school that has the lights on during the summer, it was somewhat troublesome in the evening. She asked the Commission to take that into consideration.

Jeffrey Willis stated he lived adjacent to the school and there were times the lights from the football field would give some glare, but that did not bother him. He stated he had a couple concerns about the entrance coming into the park, and a couple questions about Stafford High School. He stated his main concern was the brightness of the lights and would they affect his privacy. He stated he was not sure how close this would be to his house, but as he understood it the park would be right behind his house. He stated we needed more parks for the children, he had children that play ball with Stafford County and he had no problem with that. But he was concerned about the light issue and the entrance to the park.

Mr. Hirons stated he was not sure the Commission could answer the questions but suggested Mr. Willis get with the staff members that were present from Parks and Rec and the School Facilities, that had been working on the plans.

With no one else coming forward to speak, the public hearing was closed.

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Mr. Gibbons asked Mr. Hoppe since he was reluctant to have an hour limit, was he proposing to run 24 hours a day. Mr. Hoppe stated at this point in time there were no plans to do that. He stated he did not see a need to put a condition that may not be necessary and would preclude opportunities. Mr. Gibbons stated if a game would go into extra innings or had been delayed or started late then you completed the game and shut the lights off. He stated there had always been some restriction of when you turn the lights off. Mr. Gibbons stated that was his concern. Mrs. Hazard stated that was why she asked the question of a difference between a weekday and weekends, because people have to get up and go to work and not expecting a 24 hour tournament. Mr. Hirons stated this again was in the Falmouth District and he would hand the gavel over to Mrs. Hazard.

Mr. Hirons made a motion to recommend approval of CUP1200060 with all the conditions except the one related to the time restriction.

Mrs. Hazard asked if Mr. Hirons would need to make a motion to modify the conditions. Ms. McClendon stated the conditions were imposed by the Commission so when you made the motion, if you made the motion to remove the restriction, that was the motion on the floor. If for some reason someone did not like that motion they could make a substitute, but that would be the motion to approve those conditions.

Dr. Schwartz seconded the motion.

Mrs. Hazard opened the floor for discussion from the Commission.

Mr. Hirons stated he did want to speak to this issue and he wanted to be real careful because he did sit on the Board of Directors for the Stafford Baseball League and this request probably generated as much from Parks and Rec as from the League President. He stated over the past weekend they hosted a district or regional tournament and because of the excessive heat during the day the decision was made to move games that were scheduled to be played in the middle of the day to a 6:30 p.m. and 8:30 p.m. start time. He stated the 6:30 p.m. game ended up running late so therefore the 8:30 p.m. game ran late and they did not get off the field until 11:45 p.m. He stated this district tournament brought teams in from the Northern Virginia region. He stated they did have hopes to host state tournaments at this particular park, which would bring teams throughout Virginia and regionals which would bring teams throughout the mid-Atlantic region. He stated if there was a restriction to turn the lights off at 11:00 p.m. it would significantly hinder the ability to host these tournaments and not having the condition would be the most beneficial to Stafford County because they brought in a significant amount of people that helped drive economic development. Mr. Hirons stated the park location was pretty far back, it was behind the school and school parking lot. He stated he understood the concerns of light pollution and interrupting enjoyment of the evening, but in his opinion the location of the fields would not have an issue with that. He stated county also utilizes a system that enables them to turn off the lights remotely and typically when games were going on; county staff could be called and request the lights be turned off when the game was finished and the field was vacated. He stated in his opinion that had worked very well and to his knowledge neither SBL nor any other user group had any plans for a 24-hour tournament. He stated the county would be best served by approving this CUP without that proffer included.

Mr. Gibbons asked Mr. Hirons if he would take an amendment that the game would be allowed to be completed and then turned off, if it was remote. He stated that had been done at other ball fields in the county that were near residential. Mr. Gibbons explained if the game started at 10 o'clock because it

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was delayed, that game would be completed and then the lights turned off. That way it would never be 24 hours unless they came back and changed the CUP. Mr. Gibbons stated he was just asking for some closure.

Mrs. Hazard stated what she was hearing was information the motion had not been modified. She asked if it would allow anyone impacted to make a complaint. She gave an example of nobody on the field and the lights were on, if there was an unlimited restriction they had no cause to say please turn the lights off because there was nobody on the field. Mr. Apicella stated he had a similar concern as Mr. Gibbons had, the lights could be on all night long and there would be no impetus for the county to turn off the lights other than cost. Mr. Apicella stated he would have some concern that there was no finality to get the lights turned off within 30 minutes or an hour after the final game. He stated he was not sure what the correct language was but he did agree with Mr. Gibbons. Dr. Schwartz stated since the lights could be turned off remotely could an 11 o'clock or midnight turn off, but there be a procedure in affect for when they were running the 24-hour midnight madness tournament that the lights don't turn off at midnight. Mrs. Hazard stated she would have to defer some of the discussion to Mr. Hoppe or those involved in turning off the lights to get an idea of what that procedure was.

Mr. Hoppe stated the technology that was planned into this system was one where it was programmed in advance based on schedules provided by the user groups of who was going to be on the field when and an estimation of how long the games would be. He stated there had been situations where it had been a cloudy afternoon and it was requested to turn the lights on early, it was a phone call and was just input into the computer and within minutes the lights were on in advance of the scheduled time. He stated the same thing would happen at the end of the game, if the game was over early or was rained out notification was made and information was put in the computer and the lights could be off in minutes. Mr. Hoppe stated the lights were left on for a period of time to allow the players to safely get off the field, to the parking lot and into their cars. He stated there were walkway lights that were planned on this project and the parking lots would have lights similar to the schools. Mrs. Hazard asked Mr. Hoppe if he had an arrangement with the user groups about the procedure for turning the lights on or off. Mr. Hoppe stated there was an agreement between the County and Stafford Baseball League to run the recreational baseball program on behalf of the citizens of Stafford. He stated there was nothing specifically in that agreement about lights and ball fields. He stated that was something that was worked out with each user group when they reserve a field. They needed to make application for use of fields to reserve them and they would state the time of use and we have close coordination and communication with those groups during the event as needed.

Mrs. Hazard asked Mr. Gibbons if he proposed a substitute to the motion maker. Mr. Gibbons stated he wanted the motion maker to agree that there should be some finality, but if games did get delayed somebody would turn off the lights 30 minutes after the last inning. Mr. Apicella stated he would recommend that within an hour of the final game that the lights be turned off. Mr. Hirons stated he wanted to make sure it was clear that as Mr. Hoppe stated the lights were only on when there were games scheduled. They were not just turned on and left on 24 hours a day, 7 days a week. Mr. Gibbons stated he understood that, but there would be nothing to prevent him from scheduling a 2 o'clock in the morning game.

Mr. Hirons stated as the motion maker he was willing to make a change to his motion. However that would change the actual condition and he did not know what that would do to the Commission. Mr. Hirons stated he would be willing to move the lights shall not be utilized later than 12:00 a.m. (midnight); however, if games would go beyond that they may request the lights be on until the

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completion of the game plus a half hour. Mr. Hirons asked if he was allowed to make that condition would a substitute motion be needed to accept the condition change. Ms. McClendon stated first of all the motion would need to be made clearly. She stated she was not sure what the motion was. But once the motion was made clearly it would need to be agreed to by the seconder and then it could be considered by the Commission.

Mrs. Hazard stated the motion on the floor would be to recommend approval of CUP1200060 with the change regarding the lights, which was the second condition. It would be utilized no later than midnight unless a game needed to be completed and lights would be turned off within 30 minutes of completion of the game. Ms. McClendon stated that was condition number 4. Mrs. Hazard stated yes, condition number 4 on page 2 of proposed R12-209. Dr. Schwartz stated he did agree to that change.

Mrs. Hazard asked who would have to approve the change, would it be coming from Mr. Hoppe's Department. Ms. McClendon stated because this was a conditional use permit the Planning Commission and the Board would have the ability to impose conditions. So it may be in the Planning Commissions' interest to make sure he would agree with it, but the Planning Commission did have the latitude to impose the condition unlike a proffer situation where they would have to agree. Mrs. Hazard asked Mr. Hoppe his reaction to the comment. Mr. Hoppe stated because there were no plans for 24-hour tournaments or all night tournaments, he thought the department could live with the condition.

With no further discussion Mrs. Hazard called for the vote. The motion passed 6-0 (Mr. Rhodes was absent).

7-9. RC1200061: Reclassification - Walgreen's at Cool Spring Road - A proposed reclassification from M-1, Light Industrial to B-2, Urban Commercial Zoning District to allow a pharmacy and other retail uses on a portion of Assessor's Parcel 54-48, consisting of 4.27 acres, located on the south side of White Oak Road east of Cool Spring Road in the George Washington Election District. **(Time Limit: October 9, 2012)**

Mrs. Blackburn gave the presentation and stated this was a reclassification for Walgreen's at Cool Spring Road. She stated this was a reclassification from M-1 zoning, which was light industrial to B-2, urban commercial on 4.27 acres of Assessor's Parcel 54-48 and the applicant was Allen Weaver, Area Development Group, Inc. She showed a zoning map of the site and stated the property was at the southeast intersection of White Oak Road and Cool Spring Road and was bounded by the CSX railroad tracks to the rear. She stated the surrounding areas were M-1 and business zonings with some residential on the other side of the industrial zoning. She stated the majority of the site was previously graded during road improvements to the intersection of White Oak Road, Cool Spring Road, Butler Road and Deacon Road. Mrs. Blackburn stated the site was generally level and contained no structures, but a stormwater detention pond was constructed during the road improvement project for drainage purposes. She noted the adjacent properties included a residential neighborhood across White Oak Road to the north, an office building to the south, across the Dahlgren spur of the CSX Railroad line. Immediately to the east there was a public right-of-way and a stormwater management parcel owned by VDOT. She stated VDOT also owned the property west of the site across Cool Spring Road. Mrs. Blackburn also stated the VDOT properties were remnant parcels from the road improvement project. She stated this proposal was for a 14,000 plus square foot pharmacy and also a future retail building on the site. She stated there would be two access points, a full access at the intersection with Northside Drive which is a median break and the second access which would be a

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right-in/right-out was also along White Oak Road. She stated a sidewalk along White Oak Road would provide a connection to the Deacon Road sidewalk, including a crosswalk. She showed the Generalized Development Plan and pointed out the location of White Oak Road, the proposed entrances, sidewalk and crosswalk. She stated there was a variable-height retaining wall on the south along the rear of the Walgreen's and landscaping would be installed along the frontages of White Oak Road and Cool Spring Road. She showed the architectural rendering and stated it showed a brick façade with windows and an aluminum composite roofing feature near the building entrance. Mrs. Blackburn stated they had proffered the emergency pre-emptive equipment at the traffic signal at White Oak also. She stated a TIA was submitted, but VDOT did not have to review it. She stated it anticipated 3,690 vehicles per day. She stated VDOT recommended traffic signal modifications for timing/phasing and right turn lane/auxiliary lane across frontage of site. She noted VDOT did not support the right-in turn movement at the western entrance and they recommend extending the bike lane along White Oak Road.

Mrs. Blackburn stated the applicant was proffering to limit the access points to two as shown on the GDP and to construct lane improvements along the frontage, to provide sidewalk along White Oak Road, and connection to the Deacon Road sidewalk. She stated they also proffered to modify the existing signals to accommodate the pedestrian crossing and to provide emergency pre-emption equipment at the traffic signal. Additional proffers were designed similar in style and architecture building elevations which would be the second building they were proposing on the site. She continued with monument signage to be consistent with building design style, materials and colors, a sprinkler system in all buildings and a stormwater management to be done in Best Management Practices. She stated it did comply with the Comprehensive Plan and it did recommend a business and industrial use. Mrs. Blackburn closed by stating staff recommended approval to the project subject to satisfying VDOT's concerns regarding the western entrance traffic pattern.

Dr. Schwartz asked if there were any other options concerning the architectural rendering. He stated in his opinion the proposed rendering did not fit well with the area. Mrs. Blackburn stated she would have to refer to the applicant. With no further question from the Commission, Mr. Hirons asked the applicant to come forward.

Allen Weaver stated he was President of Area Development Group in Richmond, Virginia. He stated he would be glad to answer any questions. Mr. Hirons stated Dr. Schwartz had a question concerning the rendering. Mr. Weaver stated currently there was no indication the architects would change. He stated he was sure members of the Commission had seen other Walgreens with a very different style from what was presented. This was a new proto-type that Walgreens had just developed. He stated they were doing this with all their new stores and were remodeling some of the existing stores to this design. He stated he would be glad to talk to Walgreens to see what their thoughts would be concerning modifications. Mr. Weaver stated he was used to working with localities concerning the architectural standards they prefer and perhaps suggest modifications that the Commission felt may be appropriate. Dr. Schwartz stated that corner was the gateway to the White Oak area of the County. Mr. Weaver agreed and asked Dr. Schwartz if he found this design offensive. Dr. Schwartz stated there was a lot of history that went on in that area; Lincoln was less than a mile away from this site six times and in his opinion this was not historical at all and does not fit that section of the county. He stated it looked very space age. Mr. Weaver stated it did have a sort of "Jetson" look to it and to date they have only one with this design being constructed in Danville, Virginia. Mr. Weaver stated he knew Walgreens wanted to build the stores with this design, but he was willing to have the discussion. Dr. Schwartz stated if multiple architectural renderings that might be more appropriate, that would be a

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good place to start. Mr. Weaver asked Dr. Schwartz what look he had in mind, perhaps a more colonial look? Dr. Schwartz stated red brick, Virginia. Mr. Weaver asked Dr. Schwartz if he felt the roof element was out of place. Dr. Schwartz stated yes. Mr. Apicella asked why the applicant wanted to rezone the property to B-2 instead of B-1, since B-1 does allow for drugstores. Mr. Weaver stated when they met with staff originally they talked about the project in general. And with the description of the project staff recommended B-2. He stated they did not know what the second use would be. It would be some retail use, possibly auto parts or something like that. He stated he would not have a problem with B-1 if it accommodated everything they may want to put there. Mr. Apicella asked if they stayed with B-2, were there uses that could be excluded. Mr. Weaver stated he did not have the list in front of him, but there would probably be a number of uses they could exclude. Dr. Schwartz stated this would be the 5<sup>th</sup> pharmacy in a small radius and asked if there was a need. He stated this property was prime and the gateway to that corner of the county. There would be no increased sales tax revenue for the county because nobody would be going from that corner of the county over to Spotsylvania or to Fredericksburg to fill a prescription or do pharmacy shopping. Mr. Weaver stated he thought there would be some sales tax advantage. He stated he could not speak to was there an absolute need for it, he did not know what that exactly meant. Mr. Weaver stated Walgreens had done a very extensive study and they felt that was a market they needed to be in and they were not in now, to service the entire Fredericksburg market. He stated they felt there was sufficient volume there where they could survive and do well. He stated he could not see Walgreens putting CVS out of business. He stated typically there may be some slowdown in the growth of the sales at CVS, but in his opinion it would not hurt their business. He stated the other drug store was Rite-Aid in Ferry Farms. Dr. Schwartz stated that was one of them, there was Wal-Mart at the Super Center and there was Giant Pharmacy a mile up the road. Dr. Schwartz stated the zoning was law and you were asking us to change the law so you could do this. He stated he would like to make this a win-win situation. He asked how this was helping the county. Mr. Weaver stated it would generate a significant amount of sales tax and real estate taxes. He stated this was a use that wanted to go there and in his opinion it was not an offensive use in any way. He stated from Walgreens standpoint it had been determined the market could support this and this was a place they wanted to be. Mr. Weaver stated it may take Walgreens three to four years to be satisfied with their sales, but in his opinion you would definitely see sales tax increases. Dr. Schwartz stated in his opinion he did not see an increased volume of sales and he did not see any benefit to the county. He stated this was a very valuable piece of property and given all the needs in that corner of the county something better could be put at that site.

Mr. Hiron stated this may be a discussion we won't find the answer to tonight and asked if there were other questions of the applicant. Mrs. Hazard stated it appeared this was going to be a drive-through. Mr. Weaver stated yes. Mrs. Hazard asked how the flow pattern would work. Mrs. Blackburn stated the drive-through was at the rear of the building and would be in a counter-clockwise motion. Mrs. Hazard stated she wanted to make sure how the stacking would work. Mr. Weaver stated they received comments just this morning and they had not had an opportunity to address them. He stated they would have to work out the stacking, but for the most part they would stack to the back and around the corner. He stated they may have to eliminate a couple of the parking spaces to satisfy the requirement for the stacking. Dr. Schwartz stated some of the other things that were discussed this morning at the Technical Review was Northside Drive that had been abandoned. He stated the entrance that was going over top of the abandoned section of Northside Drive was an easement. He asked if they could put that overtop of the easement. Mr. Harvey stated that was correct, that was in VDOT right-of-way so they could put their entrance in the VDOT right-of-way. Dr. Schwartz stated earlier this morning you wanted to keep the right in/right out on the western side and VDOT was not in

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favor of that. Mr. Weaver stated they would work with VDOT to do what they would need to do to maintain that entranceway to their satisfaction.

With no additional questions from the Commission for the applicant, Mr. Hirons opened the public hearing.

Harold Bell stated he owned property right across the street from where Walgreens would be going in. He stated he did concur with the Commission, now that he had seen the rendering he did not like the architecture of the building. It did not fit in with the three houses he owns on Northside Drive. He stated they tried to match the architecture in the area and chose the federal style and this was not in the federal style. He stated he did not think enough time had been given to look at all the proffers that have been offered. He stated he thought it was going to be a rezoning from M-1 to B-2, but there was a lot of stuff that was being asked to be waived in the middle of this and he asked the Commission to take some time before recommending this for approval and look at the proffers and really help the community around that area understand. He stated he would like to submit the email he received from Rob Grogan, who lives in one of the houses up the street from me, because he totally agrees with his statement now that he has seen the request for the proffers. He stated he did not agree with the 4-way intersection that was being proposed and VDOT allowing that intersection to allow access to this property. He stated in his opinion that intersection was dangerous now, it was blind. He stated some people feel they can drive 65 miles per hour in that area. He stated VDOT stated that area would remain 35 miles per hour, but it had increased to 45 and people had no problem doing 55, 60 and 65 miles an hour through that area. He stated concerning the rezoning, he asked the Commission to hold tight on the zoning rules for this land at B-2 or M-1. He stated buffer zones were important and he wanted to make sure the buffers remained. He stated he knew there had been some activity in requesting access to the drainage pond that VDOT owned for this property. He stated thank goodness VDOT turned them away because that pond was sized for the proper drainage of the road that was put in and he asked that this property be required to hold the drainage as designed. He stated it was Chesapeake Bay run-off property and asked that remain on the property. He stated he suspected at some point in time there may be some requests for relief for hardships. He stated in his opinion if relief was requested another public hearing would need to be held. He stated he did ask the Commission to be aware of the long term plans. He stated in his opinion he did not think this had been well thought out and when he saw all the proffers go up he was unaware of them and has never had an opportunity to look at them. He stated there were a lot of proffers being asked for that he could not agree with, he has not had enough time to study them.

Stephanie Bell stated she was not going to speak because she gets very nervous, but she stated she did wish the Commission would do whatever was needed to do to refocus and start studying what was going on here because she was not aware of what was going on. She stated she would like to have more time to study. It was a very prime piece of property and she would love to see it developed. She stated it would really be nice to put something there that was going to make it worthwhile and make it the gateway.

With no one else coming forward to speak Mr. Hirons closed the public hearing and brought it back to the Commission for discussion.

Mr. Gibbons stated he would like to make a request that a working group with the developer be set up to study this and bring back a recommendation to the Commission. Mr. Hirons stated typically in the past it could certainly be deferred and the Planning Commissioner from that district typically works

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with the applicant. He stated if Dr. Schwartz would be more than willing to invite any and all of us to participate or speak with the applicant. Of course we would run into public notification requirements. Dr. Schwartz stated there were a few other things and as he said earlier if we were going to go ahead with something like this, he would like to see it as more of a win-win situation for the county. He stated the only things that have been proffered are stormwater management and sidewalks which were really required, so you were proffering something you have to do anyway. There was really no monetary proffer here and this was the fifth pharmacy in that area and there was one high school.

Dr. Schwartz stated he would like to make a motion to defer RC1200061, reclassification of Walgreens. Mr. Gibbons seconded. Mr. Apicella stated when the Commission gets the reclassifications the first thing he does would be to try to look and see what was allowed by-right. And under M-1 there were a number of uses which may be even more objectionable to some folks than a pharmacy. He stated he would ask the Commission to take that into consideration. He stated we may have had certain desires about what might be the perfect thing for that site, we may not be able to get that compared to what they could do by-right. By the same token as we proceeded forward for reclassification under B-2 or B-1, he would ask for some consideration for uses that clearly were not compatible with that area and should be excluded. He stated he thought deferring was the right thing to do. Mr. Apicella stated he was frustrated with the process that only gives the Commission 90 days that start with a public hearing before the Commission can even look at the material and ask the right questions, so deferring seems to be the right thing to do and work towards a proposal that was a win-win would be good for all parties. Mrs. Hazard stated she had a comment that was sort of towards Dr. Schwartz in proceeding forward. She stated it appeared what they were hearing was trying to make sure whatever goes there was something people wanted. She stated if the applicant were to come forward with another rendering, she would like to make sure there was either a public hearing or if this public hearing could be kept open. Mrs. Hazard stated Mr. Hirons had already officially closed the public hearing and she asked if it could be reopened because in this particular circumstance she would like to hear what the neighbors would think since it seemed we were focused on the visual nature. She stated she was not sure if it could be done that way.

Mr. Hirons asked Mr. Harvey or Ms. McClendon if the Commission were to approve the motion on the table, the topic would be brought up at a future meeting and at the Chairman's digression he could open it up for additional public comment. Ms. McClendon stated that was correct, you would have the normal public comment time that you have every meeting but if you would like this to be advertised and hold another public hearing than it would need to be done in that manner. Mr. Harvey stated there was not prohibition on the number of public hearings that the Commission holds.

Mr. Hirons called for the vote on the motion to defer. The motion passed 6-0 (Mr. Rhodes was absent). Mr. Harvey asked when the Commission would consider having this item coming back. After a brief discussion between some of the Commission members and Mr. Harvey, it was decided this item would be on the August 15, 2012 agenda.

Mr. Hirons stated the Commission would now move back to item 6.

6. *Amendment to Zoning and Subdivision Ordinance - A proposed Ordinance to amend and reordain Stafford County Code regarding sign regulations for uses such as places of worship, community centers, marinas, golf courses, nursing homes, schools, and other similar uses permitted by conditional use permit in various zoning districts but do not permit signs in that district for that use. The regulations are to allow for signage that is compatible with the other*

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*uses with in the zoning district and community and shall include on-premise and off-premise signs.*

Mr. Harvey stated Mrs. Blackburn would give a briefing to the Commission. This item was referred to the Commission by the Board of Supervisors. He stated specifically staff had noticed a gap in the Zoning Ordinance in relation to certain uses that were allowed in the Zoning Ordinance but did not have the ability to have a sign with that use.

Mrs. Blackburn stated this item was an amendment to the Zoning Ordinance concerning sign regulations. She stated at the June 19<sup>th</sup> meeting, the Board of Supervisors adopted Resolution R12-176, requesting that the Planning Commission develop amendments to the Zoning Ordinance regarding the sign regulations for uses such as places of worship, community centers, marinas, golf courses, nursing homes, schools, and other similar uses in regards to on-premise as well as off premise signs for these uses. She stated this request was a result of an inquiry from a pastor of a local church, who wanted to relocate his existing non-conforming sign. Upon staff review, it was discovered that the sign for a church was not permitted in the district where the church was located and the sign could not be altered without being in violation of the Code. She stated staff found that a place of worship was allowed in the residential district with an approved conditional use permit, which was the situation with this church. Mrs. Blackburn went on to say there were no provisions for signs in those districts for that use. Other uses as mentioned before were also subject to this issue. She stated in the past, the signs for these uses were regulated under the general advertising type signs, but in 2009 Ordinance O09-18, the definition of a general advertising sign was amended. She stated three of the items changed via that ordinance were to limit the districts where these signs were permitted, to only allow these types of signs as off-premise signs, and to designate where on the parcel the signs could be located.

Mrs. Blackburn stated the districts that were affected were A-2, Rural Residential; R-1, Suburban Residential; R-2, Urban Residential; and R-3, Urban Residential. In these districts, the uses such as the golf courses, nursing homes, and places of worship etcetera requiring an approved conditional use permit did not have provisions for signage. She stated this prohibits new development from having a sign and prevents an existing development from altering their existing sign. She stated the Board also wanted to include off-premise directional signs in this amendment. Currently, the regulations for off-premise signs were for general advertising and required compliance with the yard requirements. She stated this section of the code could not be used to regulate the small off-premise signs located at intersections directing the public to various sites. Mrs. Blackburn stated the drafting and adopting of sign regulations for these uses would allow for on-premise signs that would be compatible with the other signs in the districts, off-premise directional signs which would aid in locating these uses and allow existing uses to change their signs without being in violation. Staff believed that this was an issue of community convenience and necessity and should be addressed; and the Planning Commission's time limit to act was by November 7, 2012.

Mr. Apicella stated he did not see anything in the package and asked if there was any proposed language to review to fix the problem. Mr. Harvey stated staff had not drafted language because they wanted direction from the Commission as to how you wanted to proceed. He stated staff could develop language based on what was seen as compatible types of signs in the Ordinance, but first wanted direction from the Commission as to whether that would be on the right track and how to address it. He stated the Commission may feel that certain types of uses should have smaller signs or maybe not a free standing sign, only a wall sign. So staff needed to have some of that kind of

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discussion. Mr. Harvey asked for instance should a club or lodge have a wall sign and also a free-standing sign. He also asked about a place of worship or a golf course and also what sizes should they be. He stated typically these uses were located in residential areas, which may not need a sign as big as one in a commercial area along a highway with rapidly moving vehicles. He stated staff would appreciate any direction or if the Commission would like, staff could come back to the next meeting with a draft Ordinance to start the discussion.

Mr. Hirons asked if there were any limitations on lighted signs. Mrs. Blackburn stated there was a section concerning electronic message signs. She stated they were allowed in more commercial areas. She asked if the Commission wanted electronic signs like for giving messages at churches, if it were to mention service times and things like that. Mr. Hirons asked if there were any limits to the brightness of the sign. Mrs. Blackburn stated yes there was a series of regulations concerning number of colors, etc. She stated in looking at this and discovering this issue was that places of worship, marinas and things like that were allowed by Code as a Conditional Use Permit. While by virtue of being allowed by Conditional Use Permit they felt that it may be a use with special conditions in a special location that may be allowed within these zoning districts, consequently signage should possibly be in the same limited type of height or square footage. She stated they were quasi commercial operations, but they were not in commercial zones. Mrs. Hazard stated her thought was that the signs would not be much larger than what was currently permitted in that particular district and suggested perhaps that would be the starting point. Mr. Gibbons stated the Resolution sent to the Commission stated the Commission would consult with the Planning and Zoning Department and he would like to see staff come back with a draft. Mr. Apicella agreed. Mr. Hirons stated the Commission had now given some direction and this item would remain on the agenda under unfinished business and staff would bring back some sample language. Mrs. Blackburn stated yes.

Mr. Hirons moved on to item 10, the Planning Director's report and the 2012 work plan update

#### **PLANNING DIRECTOR'S REPORT**

Mr. Harvey stated he would start the Planning Directors report by referring to actions by the Board of Supervisors meeting. He stated it was referenced earlier in the meeting that the Board did consider Transfer of Development Rights in a discussion at a work session. They had now formed a committee to re-evaluate and would be coming back with additional recommendations at a future date. He stated Mr. Zuraf would give a briefing on the 2012 work plan update.

#### **10. 2012 Work Plan Update**

Mr. Zuraf stated earlier in the year the Commission developed the work plan to identify different tasks and schedule them throughout the year. He stated these tasks attached in the memo were tied generally to the Comprehensive Plan Implementation Plan. He stated he had developed a new spreadsheet in the memo which identified all the tasks and tried to create a color coding of where the Commission was, what had been satisfied and completed and then different colors for things that were close, what was due, what was past due, and what was due in the future. He went over the memo and pointed out the items that were on the borderline and some that were behind. He stated items 5 and 6 were orange because they were overdue but were in progress. The Architectural Design Guidelines and the RDA and UDA Boundaries were being evaluated and there was a plan in place to accomplish those tasks. He stated items 7 and 8 were past due; they were due in June and those had not begun yet and that was something the Commission would consider, whether they would direct staff to come back with ideas

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and information on public notice standards and impact statement standards. He moved on to the next task of Proffer Guidelines, which had a due date of June and July for the work plan, but there was an extension, so that was in progress. He stated another one that was near due but had not started was the educational materials. He stated he would not go through all the other tasks, but this was an update of where we were.

Mr. Gibbons asked if there was any way the amount of effort that was required for each of those tasks could be given. He stated some of the items might take up a lot of staff time and the Commission may want to delay it. Mr. Zuraf stated in his opinion the public notice standards and the impact statement standards were tasks that could be done in short order. He stated item 8 might be a little bit of work, but not very time consuming. Mr. Gibbons asked Mr. Zuraf of the ones that were not started, which were the most extensive. Mr. Zuraf stated the educational materials may be extensive, because that would be working with other departments and gathering a lot of information and the transportation implementation plan as well would be extensive. Mr. Gibbons asked Mr. Harvey if there was money allocated to do the transportation implementation plan because outside consultants would be needed. Mr. Harvey stated some of that would be tied with impact fees, so once the Board considers their impacts fees in August, staff would have a better idea of how to proceed with that project. He stated consulting help may be needed and there was some money in the budget to hire consultants to help with Comp Plan issues. Mrs. Hazard stated this was something that she felt was very important when the Comprehensive Plan was done. She stated in her opinion the implementation plan was accomplishing some of what the Commission wanted it to do. She stated she did not want Mr. Zuraf's comments to be viewed that they were behind because the staff works very hard on everything the Commission has in front of them. She stated she thought it was good to look at and evaluate every once in a while, and she hoped it could be used for future planning for employment and budgeting.

Mr. Harvey stated that concluded his report.

#### **COUNTY ATTORNEY'S REPORT**

Ms. McClendon stated she had no report at this time.

#### **COMMITTEE REPORTS**

##### **11. Proffer Guidelines**

Mr. Hirons stated he was Chairman of the Proffer Guidelines Committee and the next meeting was scheduled for Tuesday, but was not sure of the date. Mr. Harvey stated Tuesday, July 17<sup>th</sup> at 10:00 a.m. in Conference Room ABC. Mr. Harvey reminded the Commission the deadline for completing that task was the end of the month, so staff would suggest the Commission consider asking for additional time. Mr. Gibbons made a motion to ask for additional time. Mrs. Hazard seconded. Mr. Hirons suggested the Commission ask for an additional 90 days. Mr. Gibbons and Mrs. Hazard agreed. The motion passed 6-0 (Mr. Rhodes was absent).

#### **CHAIRMAN'S REPORT**

Mr. Hirons stated it was his opinion, one of the reasons the Chairman was not present was because it was his birthday and he wished Mr. Rhodes a happy birthday.

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**OTHER BUSINESS**

12. TRC Information – July 25, 2012 Cancelled  
August 8, 2012

Mr. Hirons stated the July 25<sup>th</sup> TRC meeting had been cancelled. He stated he did not see the normal delivery of TRC information for August 8<sup>th</sup> and stated it would be coming if there were any meetings scheduled. Mr. Harvey confirmed. Mr. Hirons moved on to the approval of the minutes for May 16<sup>th</sup> and June 6<sup>th</sup>.

**APPROVAL OF MINUTES**

*May 16, 2012*

Mr. Apicella made a motion to approve the May 16, 2012 minutes as presented. Mr. Gibbons seconded. The motion passed 6-0 (Mr. Rhodes was absent).

*June 6, 2012*

Mr. Apicella made a motion to approve the June 6, 2012 minutes as presented. Mr. Gibbons seconded. The motion passed 6-0 (Mr. Rhodes was absent).

Mr. Gibbons stated he would like to bring up one thing. He stated once a month the County Administrator would give the Board of Supervisors a monthly statistical report. He stated all of the zoning and permits status was in the report. He stated it could be found online once a month and suggested everything the Commission may need was in the report. Mr. Hirons asked if that was the report that was emailed to the Commission. Mr. Harvey stated no. Mr. Gibbons stated it was a great report for the Planning Commission. Mr. Hirons agreed that it had lots of good information.

**ADJOURNMENT**

With no further business to discuss the meeting adjourned at 9:33 p.m.

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Michael Rhodes, Chairman  
Planning Commission